

Notice of Allowability

Application No.

10/540,116

Examiner

Marcus Menezes

Applicant(s)

TAYLOR, SUPEN

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/9/07.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

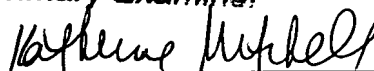
4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Katherine Mitchell
Primary Examiner



DETAILED ACTION

Allowable Subject Matter

1. Claims 1-20 are allowed.
2. The following is an examiner's statement of reasons for allowance:

The applicant's independent claims have several similarities as well as a few distinct differences with the Garvey patent (GB 2343701 A). Both Applicant's invention and Garvey have a body provided with one or more apertures, a releasable fastening means and a retaining arm. However, Garvey fails to disclose that said apertures extend in a direction generally perpendicular to opposing portions on said body and there is a lack of motivation to modify the placement of the apertures in Garvey. Previous patents issued also have several similarities with the Applicant's invention, but also fail to fully disclose Applicant's invention. For example, the Liu patent (US 6453525) has a body with apertures in similar direction as in Applicant's invention, but lacks motivation to modify the pull element (70). Further there is a lack of structure for placement of a hinge, hinge pin and retaining arm. This is a similar problem with Glendon (US 6178606). Other patents, such as Dubberke (US 6502286) have very different structure when compared with Applicant's invention. Other prior art, such as Gross (US 592140) lack a spring clamping element and any attempt to place a spring claiming element similar in design to that in Applicant's invention would destroy the structural integrity of Gross. Finally, the Holmberg patent (US 5924178) is similar to Applicant's invention, but lacks motivation to modify element 20. The element 20 in Holmberg cannot function nor be modified to resemble Applicant's retaining arm with a

hinge and hinge pin since element 20 slides on a rigid path without the ability to rotate. Element 20 has a functional role that cannot be modified to become a retaining arm nor is there motivation to place a retaining arm on Holmberg.

None of the other prior art references whether taken alone or used in combination cure the deficiency of Garvey. Thus, the prior art as a whole made of record does not disclose or suggest the structural arrangement or the combination of structure set forth in Applicant's claims. As a result, the Examiner believes Applicant's claims as presented are patentably distinct from the prior art of record and the general prior art pertaining to lace fasteners.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Menezes whose telephone number is 571-272-6284. The examiner can normally be reached on 8:00am - 5:30pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marcus Menezes
Examiner
Art Unit 3677

MM

A handwritten signature in black ink, appearing to read "Katherine Mitchell", written in a cursive style.

Katherine Mitchell
Primary Examiner